

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SHANA ELYSE NOVEGROD
3291 Sawtelle Blvd, 207
Los Angeles, CA 90066
Occupational Therapy License No. OT 4624

Respondent.

Case No. OT 2008-101


OAH No. L-2010120114

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 21, 2011.

It is so ORDERED June 21, 2011.


FOR THE CALIFORNIA BOARD OF
OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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Attorneys for Complainant

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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **SHANA ELYSE NOVEGROD**
12 **3291 Sawtelle Blvd, 207**
13 **Los Angeles, CA 90066**
Occupational Therapy License No. OT 4624

14 Respondent.

Case No. OT 2008-101

OAH No. L-2010120114
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 In the interest of a prompt and speedy settlement of this matter, consistent with the public
16 interest and the responsibility of the California Board of Occupational Therapy of the Department
17 of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
18 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
19 disposition of the Accusation.

20 **PARTIES**

21 1. Heather Martin ("Complainant") is the Executive Officer of the California Board of
22 Occupational Therapy. She brought this action solely in her official capacity and is represented
23 in this matter by Kamala D. Harris, Attorney General of the State of California, by Randy M.
24 Mailman, Deputy Attorney General.

25 2. Respondent Shana Elyse Novegrod ("Respondent") is represented in this proceeding
26 by attorney Richard Kaplan, whose address is:
27
28

9454 Wilshire Boulevard
Suite 500
Beverly Hills, CA 90212

3. On or about December 14, 2002, the California Board of Occupational Therapy issued Occupational Therapy License No. OT 4624 to Respondent. The Occupational Therapy License was in full force and effect at all times relevant to the charges brought in Accusation No. OT 2008-101 and will expire on January 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. OT 2008-101 was filed before the California Board of Occupational Therapy ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 5, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. OT 2008-101 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. OT 2008-101. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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9. Respondent agrees that her Occupational Therapy License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

10. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

1 13. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Occupational Therapy License No. OT 4624 issued to
6 Respondent Shana Elyse Novegrod ("Respondent") is revoked. However, the revocation is
7 stayed and Respondent is placed on probation for three (3) years on the following terms and
8 conditions. Respondent shall not be eligible for early termination of probation.

9 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and
10 regulations. Respondent shall submit, in writing, a full detailed account of any and all violations
11 of the law to the Board within five (5) days of occurrence.

12 2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully
13 comply with the terms and conditions of probation established by the Board and shall cooperate
14 with representatives of the Board in its monitoring and investigation of the respondent's
15 compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall
16 submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained
17 from the Board.

18 3. **Personal Appearances.** Upon reasonable notice by the Board, respondent shall
19 report to and make personal appearances at times and locations as the Board may direct.

20 4. **Notification of Address and Telephone Number Change(s).**

21 Respondent shall notify the Board, in writing, within five (5) days of a change of residence
22 or mailing address, of her new address and any change in work and/or home telephone numbers.

23 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**

24 In the event respondent should leave California to reside or to practice outside the State for
25 more than thirty (30) days, respondent shall notify the Board or its designee in writing within ten
26 (10) days of the dates of departure and return. All provisions of probation other than the quarterly
27 report requirements, examination requirements, cost recovery, and education requirements, shall
28 be held in abeyance until respondent resumes practice in California. All provisions of probation

1 shall recommence on the effective date of resumption of practice in California.

2 **6. Notification to Employer(s).** When currently employed or applying for employment
3 in any capacity in any health care profession, Respondent shall notify her employer of the
4 probationary status of respondent's license. This notification to the current employer shall occur
5 no later than the effective date of the Decision. Respondent shall notify any prospective health
6 care employer of her probationary status with the Board prior to accepting such employment.
7 This notification shall be made by providing the employer or prospective employer with a copy of
8 the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

9 Respondent shall cause each health care employer to submit quarterly reports to the Board.
10 The reports shall be on a form provided by the Board, shall include a performance evaluation and
11 such other information as may be required by the Board.

12 Respondent shall notify the Board, in writing, within five (5) days of any change in
13 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
14 terminated from any occupational therapy or health care related employment with a full
15 explanation of the circumstances surrounding the termination.

16 **7. Employment Requirements and Limitations.** During probation, respondent shall
17 work in her licensed capacity in the State of California. This practice shall consist of no less than
18 (6) continuous months and of no less than twenty (20) hours per week.

19 While on probation, respondent shall not work for a registry or in any private duty position,
20 except as approved, in writing, by the Board. Respondent shall work only on a regularly
21 assigned, identified, and pre-determined work site(s) and shall not work in a float capacity except
22 as approved, in writing, by the Board.

23 **8. Supervision Requirements.** Respondent shall obtain prior approval from the Board,
24 before commencing any employment, regarding the level of supervision provided to the
25 respondent while employed as an occupational therapist.

26 Respondent shall not function as a supervisor during the period of probation except as
27 approved, in writing, by the Board.

28 **9. Continuing Education Requirements.** Respondent shall complete six (6) hours of

1 continuing education coursework in the area of ethics, six (6) hours of continuing education
2 coursework in the area of stress management, and six (6) hours of continuing education
3 coursework in the area of documentation. Continuing education shall be completed within six (6)
4 months of the effective date of the decision issued in this matter.

5 Continuing education shall be in addition to the professional development activities
6 required for license renewal. Within thirty (30) days of the Board's written notification of the
7 assigned coursework, respondent shall submit a written plan to comply with this requirement.
8 The Board shall approve such plan prior to enrollment in any course of study.

9 Failure to satisfactorily complete the required continuing education as scheduled shall
10 constitute a violation of probation. Respondent is responsible for all costs of such continuing
11 education. Upon successful completion of the course(s), respondent shall cause the instructor to
12 furnish proof to the Board within thirty (30) days of course completion.

13 10. **Maintenance of Valid License.** Respondent shall, at all times while on probation,
14 maintain an active current license with the Board, including any period during which license is
15 suspended or probation is tolled.

16 11. **Cost Recovery Requirements.** Respondent shall reimburse the Board for its costs in
17 the investigation and enforcement of this matter pursuant to Business and Professions Code
18 section 125.3 in the amount of two thousand three hundred dollars (\$2,300). Respondent shall
19 pay the Board one hundred dollars (\$100) per month for twenty three (23) consecutive months,
20 beginning the first month after the effective date of the decision issued in this matter. Failure to
21 make payments in accordance with this payment schedule shall be considered a violation of
22 probation.

23 The Board shall not renew or reinstate the license of any respondent who has failed to pay
24 all the costs as directed in a Decision.

25 12. **Violation of Probation.** If respondent violates probation in any respect, the Board,
26 after giving respondent notice and opportunity to be heard, may revoke probation and carry out
27 the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed
28 against respondent during probation, the Board shall have continuing jurisdiction until the matter

1 is final, and the period of probation shall be extended until the matter is final.

2 13. **Completion of Probation.** Upon successful completion of probation, respondent's
3 license will be fully restored.

4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Richard Kaplan. I understand the stipulation and the effect it will
7 have on my Occupational Therapy License. I enter into this Stipulated Settlement and
8 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
9 Decision and Order of the California Board of Occupational Therapy.

10
11 DATED: 5/25/11

Shana E. Novegrod
SHANA ELYSE NOVEGROD
Respondent

13 I have read and fully discussed with Respondent Shana Elyse Novegrod the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

15 I approve its form and content.

16 DATED: 5/26/11

Richard Kaplan
Richard Kaplan
Attorney for Respondent

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28 **ENDORSEMENT**

1 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
2 submitted for consideration by the California Board of Occupational Therapy of the Department
3 of Consumer Affairs.

4 Dated: May 31, 2011
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Respectfully submitted,

6 KAMALA D. HARRIS
Attorney General of California
7 KAREN B. CHAPPELLE
Supervising Deputy Attorney General

8 
9 RANDY M. MAILMAN
10 Deputy Attorney General
11 *Attorneys for Complainant*

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